

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

MARK ANTHONY GIBSON,)	
)	Case No. 1:16-CV-386
<i>Plaintiff,</i>)	
)	Judge Travis R. McDonough
v.)	
)	Magistrate Judge Susan K. Lee
CCA SILVERDALE,)	
)	
<i>Defendant.</i>)	

ORDER

Plaintiff Mark Anthony Gibson filed this action on September 22, 2016. (Doc. 1.) While he appears to no longer be incarcerated, his complaint asserts violations of his civil rights pursuant to 42 U.S.C. § 1983 based on the conditions of his confinement at Defendant CCA Silverdale’s facility. At the time of filing this action, Plaintiff also moved to proceed *in forma pauperis* (“IFP”), or without fees. (Doc. 2.) On September 29, 2016, United States Magistrate Judge Susan Lee issued an Order that instructed Plaintiff that his application to proceed IFP was insufficient inasmuch as it failed to provide the Court with ample information to make such a determination. (Doc. 3.) Plaintiff was directed to correct his application within 30 days from the date of the Order, by October 31, 2016, or risk denial of his motion. (*Id.*) Plaintiff wholly failed to comply with Magistrate Judge Lee’s Order. On November 4, 2016, Magistrate Judge Lee issued a report and recommendation recommending that the Court deny Plaintiff’s IFP application and that he be assessed the filing fee. No objections to the R&R were filed within the 14-day period of time.

Having considered Plaintiff's IFP application as well as Magistrate Judge Lee's report and recommendation that Plaintiff's application be denied, the Court agrees with the Magistrate Judge. Not only does Plaintiff's original IFP application fail to provide sufficient information from which his IFP status could be properly determined, but he also failed to comply with Magistrate Judge Lee's Order directing him to provide more information.

Accordingly, the Court **ACCEPTS and ADOPTS** Magistrate Judge Lee's report and recommendation (Doc. 4) and **DENIES** Plaintiff's motion to proceed *in forma pauperis* (Doc. 2). If Plaintiff wishes to proceed, he must pay the \$400 filing fee within **thirty days** of entry of this Order. Further, Plaintiff is **ADVISED** that he must achieve proper service of process in compliance with the Federal Rules of Civil Procedure. If Petitioner fails to pay his filing within the allotted time period or achieve service of process on Defendant within the period specified by the Federal Rules of Civil Procedure, at the earlier of either of these two failures, this action will be **DISMISSED** without prejudice for failure to prosecute.

SO ORDERED.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE